

EXHIBIT E

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MYRICK TANTIADO, an individual,

Plaintiff,

v.

POWER MEDICAL INTERVENTIONS, a
 Pennsylvania corporation, and DOES ONE
 through FIFTY, inclusive,

Defendants.

Case No. C 07-02874 CRB

**DECLARATION OF MICHAEL
 WHITMAN IN SUPPORT OF
 DEFENDANT'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT**

Hearing Date: September 5, 2008

Time: 10:00 a.m.

Judge: Hon. Charles R. Breyer

Courtroom: 8

BARTKOZANKEL
Bertha Zankel, Bertram Miller
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1 I, Michael Whitman, declare:

2 1. I am Chief Executive Officer for Power Medical Interventions, Inc.
3 ("PMI"). I have personal knowledge of the facts stated in this Declaration, and if called upon,
4 could and would testify competently thereto.

5 2. In early July 2006, I met with Pat Holmes and Robert Chase at a managers
6 meeting in Wisconsin to discuss the sales performance of the territory for which Mr. Chase was
7 Regional Manager. At this meeting, we discussed Myrick Tantiado's 2006 sales performance,
8 which had declined precipitously from his 2005 sales numbers. Mr. Tantiado's 2006 sales
9 numbers failed to meet PMI's minimum requirements for his job.

10 3. Based on Mr. Tantiado's sales performance, it was decided that Mr.
11 Tantiado would be terminated for his inability to meet the minimum requirements of his job, which
12 is consistent with PMI's practice.

13
14 Executed on July 25, 2008, at Strasbourg, France.

15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct.

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19 _____
20 Michael Whitman
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